Supreme Court, U.S.
FILED
APR 19 1996
CLERK

(3)

No. 95-1508

IN THE
Supreme Court of the United States
OCTOBER TERM, 1995

GEORGE PRICE, *ET AL.*,
Appellants,
v.
BOSSIER PARISH SCHOOL BOARD,
Appellee.

On Appeal from the United States District Court for the District of Columbia

RESPONSE OF GEORGE PRICE, *ET AL.*, TO MOTION TO DISMISS OR AFFIRM

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The Motion to Dismiss or Affirm ("Motion") is noteworthy for three things: (1) its scandalous disregard for the record; (2) its unsupported tirades against the Attorney General of the United States; and, most importantly, (3) its confirmation that the decision below raises important issues of law that this Court should resolve.

At this stage of the proceedings only the third point is significant. As to the first, the stipulations alone, *see* App. 66a-153a,[1] expose the Bossier Parish School Board's grave mischaracterization of the facts of this

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[1] In this Response, filed on behalf of Defendant-Intervenors George Price, *et al.*, citations are to the Appendix ("App.") filed with the Jurisdictional Statement of Janet Reno, *et al.*, on March 11, 1996.

case.[2] As to the second, the School Board's irresponsible attacks on the Voting Rights Act and those who enforce it do nothing to diminish the force of the arguments in favor of this Court's review made by these Appellants. The Board's rhetoric, however, does convey the same hostile indignation that has greeted the efforts of African-American voters to be heard in this electoral process and in School Board affairs.

As to the third point, the Motion makes clear that this case raises an important legal issue worthy of this Court's review. The School Board acknowledges that the majority of the three-judge court refused to apply the standards set forth by this Court in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977), in assessing discriminatory purpose under Section 5 of the Voting Rights Act. Motion at 11. As explained in the Jurisdictional Statements, this legal error substantially departs from this Court's precedents, creates a split among the panels of the District Court for the District of Columbia, and undermines fair and effective enforcement of the Voting Rights Act.

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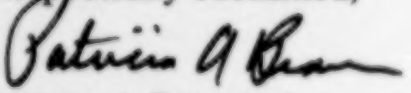
[2] We will not even attempt to catalogue here the free-wheeling falsehoods rampant in the Motion. An example may be instructive. On page 2, the School Board erroneously claims that "[b]ecause the concentrations of black residences are so scattered, the Police Jury's cartographer was unable to draw any black-majority districts that were contiguous and compact" and, on page 18, suggests that the Board could only have drawn a plan without twelve-of-twelve white-majority districts if it created "bizarre and outrageously gerrymandered black majority districts." On pages 13 and 14, however, the Board itself quotes stipulations establishing that Police Jurors and their cartographer were specifically aware that compact and contiguous majority black districts could be drawn in Bossier Parish. App. 76a, 82a-83a, and 114a (¶¶ 36, 53, 148).

The Court should note probable jurisdiction.

Respectfully submitted,



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April 19, 1996